**NOT FOR PUBLICATION**

**FILED: March 24, 1992**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| JAMES PETTAWAY,<br><br>Plaintiff-Appellant,<br><br>v.<br><br>CHARLES PLUMMER, Sheriff of Alameda County,<br><br>Defendant-Appellee. | No. 90-15469<br><br>D.C. No. CV-89-2601-SC<br><br>ORDER |

Before: BEEZER, NOONAN and FERNANDEZ, Circuit Judges

The panel has voted to deny the petition for rehearing and to reject the suggestion for rehearing en banc.

The full court has been advised of the suggestion for rehearing en banc and no judge in active service has requested a vote to rehear the matter en banc.

Pursuant to Rule 35(b) of the Federal Rules of Appellate Procedure, the petition for rehearing is denied and the suggestion for rehearing en banc is rejected.